

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------------|---|---------------------|
| RED ROSE TRANSIT AUTHORITY, | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| vs. | : | NO. 11-1146 |
| | : | |
| NORTH AMERICAN BUS | : | |
| INDUSTRIES, | : | |
| Defendant | : | |

ORDER

AND NOW, this 16th day of January, 2013, upon consideration of the defendant's motion for partial summary judgment (Document #32), the plaintiff's response thereto (Documents #36 and #37), and the defendant's reply (Document #42), **IT IS HEREBY ORDERED** that the motion is **GRANTED** in its entirety.

IT IS FURTHER ORDERED that:

1. The plaintiff is limited to contract remedies for damage to Bus #135 by operation of the economic loss doctrine;
2. The plaintiff's claims regarding damage to Bus #135 are barred by the statute of limitations; accordingly, I will enter summary judgment on behalf of the defendant in Count III; and
3. The plaintiff's claims regarding damage to property other than Bus #135 survive.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.